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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Patricia Foster,

Plaintiff,

v.

United States of America,

Defendant.

No. CV-14-00719-TUC-RCC (DTF)

ORDER

Pending before the Court are Defendant’s Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 21), Plaintiff’s Motion for Leave to Amend the Complaint (Doc. 26), Magistrate Judge Ferraro’s Report and Recommendation (“R&R”) on these two motions (Doc. 32) and Plaintiff’s Amended Complaint (Doc. 33).

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, LRCiv 72.2 and the parties having filed no objections to the R&R, the Court hereby adopts Magistrate Judge Ferraro’s R&R (Doc. 32) in its entirety.

On February 17, 2015, Plaintiff filed her first Amended Complaint. However, this pleading is not in compliance with the Magistrate Judge’s R&R as to the first count. Because Plaintiff made no legal or factual argument objecting to the R&R, the Court will not interpret this first Amended Complaint as such.

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Accordingly,

IT IS HEREBY ORDERED *adopting* (Doc. 32); *granting* (Doc. 21) and *granting* (Doc. 26).

IT IS FURTHER ORDERED *striking* (Doc. 33); Plaintiff shall file a pleading entitled "SECOND AMENDED COMPLAINT" in compliance with (Doc. 32) on or before February 25, 2015. This matter remains referred to Magistrate Judge Ferraro for all pretrial matters.

Dated this 18th day of February, 2015.



Raner C. Collins
Chief United States District Judge